

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
OCTOBER 18, 2006**

Mayor O'Neil called the meeting to order at 7:17 P.M.

Mrs. Cummins read the following statement: As per requirement of P.L. 1975, Chapter 231, notice is hereby given that this is a Regular Meeting of the Mayor and Council of the Borough of Highlands and all requirements have been met. Notice has been transmitted to the Asbury Park Press, the Courier and the Two River Times. Notice has been posted on the public bulletin board.

**ROLL CALL:**

**Present:** Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

**Absent:** None

**Late Arrival:** None

**Also Present:** Carolyn Cummins, Deputy Borough Clerk  
Dominick Manco, Esq., Borough Attorney  
Stephen Pfeffer, Chief Financial Officer

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**EXECUTIVE SESSION RESOLUTION:**

Mrs. Cummins read the following Resolution for approval:

Mayor O'Neil offered the following Resolution and moved its adoption:

**RESOLUTION  
EXECUTIVE SESSION**

**BE IT RESOLVED** that the following portion of this meeting dealing with the following generally described matters shall not be open to the public:

1. **Personnel: Payout for Dave Gilson and Recycling Yard Security Guard**
2. **Sex Offender Ordinance Legal Challenge**
3. **Highlands Port Holdings Perf Bond Issues**

**BE IT FURTHER RESOLVED** that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date when the need for privacy no longer exists; and

**BE IT FURTHER RESOLVED** that no portion of this meeting shall be electronically recorded unless otherwise stated; and

**BE IT FURTHER RESOLVED** that the private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Act:

1. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.
2. Deals with personnel matters of public employees and employee has not requested that the matter be made public.

Seconded by Mr. Caizza and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

The Governing Body then entered into Executive Session.

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Mayor O'Neil called the Regular Meeting back to order at 8:46 P.M.

Mayor O'Neil asked all to stand for the Pledge of Allegiance.

**ROLL CALL:**

**Present: Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O'Neil**

**Absent: None**

**Also Present: Carolyn Cummins, Deputy Borough Clerk  
Dominick Manco, Esq., Borough Attorney  
Stephen Pfeffer, Chief Financial Officer**

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**CONSENT AGENDA RESOLUTIONS:**

Mrs. Cummins read the titles of the following Resolutions for approval:

Mr. Caizza offered the following resolution and moved its adoption:

**R-06-165  
RESOLUTION REGARDING APPOINTMENT OF  
POLICE COMMUNICATION OPERATORS**

**WHEREAS**, Erin Hayden has been employed by the Borough of Highlands as a Police Communications Operator (p/t); and

**WHEREAS**, Ms. Hayden has requested that her status be changed to Police Communications Operator (fill-in); and

**WHEREAS**, Nicole McClintick, Intern Police Communications Operation has indicated that she would be interested in replacing Erin Hayden as Police Communications Operator (p/t); and

**WHEREAS**, Chief Blewett has recommended to the Police Committee that Ms. McClintick would be an appropriate replacement for the part-time position and that there is a need for a fill-in or back-up Operator which position could be filled by Ms. Hayden; and

**WHEREAS**, the Governing Body of the Borough of Highlands agrees with Chief Blewett and the Police Committee's recommendations;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that Erin Hayden's employment status be changed to Police Communications Operator (fill-in) effective immediately and at her current rate of pay; and

**BE IT FURTHER RESOLVED** that Nicole McClintick be and hereby is appointed to Police Communications Operator (p/t) effective immediately and at the rate as set forth in the current salary ordinance.

Seconded by Mr. Nolan and adopted on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O'Neil**

**NAYES: None**

**ABSENT: None**

**ABSTAIN: None**

Mr. Caizza offered the following Resolution and moved on its adoption:

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**R-06-166  
RESOLUTION  
AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES  
FOR TINA FRANCO FOR PROPERTY LOCATED  
AT 45 FIFTH STREET ALSO KNOWN AS  
BLOCK 64 LOT 9**

**WHEREAS**, the applicant has requested the release of her Performance Guarantees in the amount of \$4,885.92 (90% Performance Bond Amount posted with a Check) and \$542.88 (10% Cash Portion paid by check) for Block 64 Lot 9; and

**WHEREAS**, this request was forwarded to the Borough Engineer and an inspection was performed by T & M Associates and they have authorized the release of said Performance Guarantees subject to the following conditions:

1. A maintenance guarantee be posted in the amount of \$814.32 for a two year period.
  2. Payment of any outstanding inspection or other fees owed to the Borough;
- and

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Highland that the Performance Bond for Tina Franco for Block 64 Lot 9, 45 Fifth Street is hereby released and the Chief Financial Officer is hereby authorized to refund the Performance Bond in the amount of \$4,885.92 (90% Bond Amount) and \$542.88 (10% Cash Portion) plus any accrued interest **less the required maintenance bond that must be posted in the amount of \$814.32.**

Seconded by Mr. Nolan and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O'Neil  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

Mr. Caizza offered the following and moved its adoption:

**R-06-167  
RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENT**

**WHEREAS**, the Tax Collector of the Borough of Highlands has reviewed the rolls and determined that certain monies are due and payable by the Borough of Highlands to certain residents and property owners within the Borough of Highlands, as a result of an overpayment of taxes; and

**WHEREAS**, the Tax Collector recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands to certain enumerated individuals;

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Tax Collector is authorized to immediately refund and pay the overpayment of taxes to the individuals and property owners of the specific properties listed below, and attached hereto:

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<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
63	24.01	2006	\$1011.74	MortgageIt
72	9.12	2006	4278.73	Laurence Gumina
100.10	114	2006	800.00	Jennifer Damaskinos

Seconded by Mr. Nolan and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

Mr. Caizza offered the following resolution and moved its adoption:

HIGHLANDSNJ.COM

**BOROUGH OF HIGHLANDS  
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**INSERT R-06-168 HERE!!**

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**BOROUGH OF HIGHLANDS  
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**R-06-169**

**RESOLUTION PROFESSIONAL BOND COUNSEL SERVICES  
GIBBONS, DEL DEO, DOLAN, GRIFFINGER AND VECCHIONE**

**WHEREAS**, the Borough of Highlands has a need for professional bond counsel services in connection with the authorization and issuance of bonds or notes; and

**WHEREAS**, such professional legal services can only be provided by licensed professionals and the firm of Gibbons, Del Deo, Dolan, Griffinger and Vecchione, One Riverfront Plaza, Newark, New Jersey 07102 is so recognized; and

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$13,000 plus reimbursable expenses for professional bond counsel services for the Borough of Highlands for the period July 1, 2006 through June 30, 2007; and

**WHEREAS**, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands contingent upon adoption of the SFY 2007 municipal budget.

Legal  
Water Sewer Utility

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Stephen Pfeffer, Chief Financial Officer

**WHEREAS**, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

**NOW, THEREFORE, BE IT RESOLVED BY THE Borough Council of the Borough of Highlands as follows:**

1. The firm of Gibbons, Del Deo, Dolan, Griffinger & Vecchione is hereby retained to provide professional bond counsel services as described above for an amount not to exceed \$13000 plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

Seconded by Mr. Nolan and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O'Neil  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

Mr. Caizza offered the following resolution and moved its adoption:

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**R-06-170  
RESOLUTION  
PROPERTY TAX CANCELLATION  
BLOCK 75 – LOT 5**

**WHEREAS**, Block 75 – Lot 5 assessed in the name of Borough of Highlands for property located at Seadrift Avenue was erroneously assessed as taxable property for the 2005 and 2006 tax years in the amount of \$2983.49; and

**WHEREAS**, the Tax Collector has determined that this amount is uncollectible because the property is tax exempt; and

**WHEREAS**, the Tax Collector recommends that the 2005-2006 tax amount of \$2983.49 be cancelled accordingly for Block 75 Lot 5.

**NOW, THEREFORE, BE IT RESOLVED** that the Tax Collector is hereby authorized to cancel the 2005-2006 tax amount of \$2983.49 for Block 75 Lot 5 and to make the necessary adjustments to the tax rolls to carry out the purpose of this Resolution.

Seconded by Mr. Nolan and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O'Neil  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**Mr. Caizza offered the following Payment of Bills and moved on its approval for payment:**

**RECAP OF PAYMENT OF BILLS  
10/18/06**

<b>CURRENT:</b>		\$ 1,025,588.64
Payroll	(10/04/06)	\$ 2,347.36
<b>Manual Checks</b>		<b>\$ 91,112.29</b>
<b>Voided Checks</b>		<b>\$</b>
<b>SEWER ACCOUNT:</b>		\$ 72,998.11
Payroll		\$
Manual Checks		\$ 3,609.95
Voided Checks		\$
<b>CAPITAL/GENERAL</b>		\$ 142,578.44
<b>CAPITAL-MANUAL CHECKS</b>		\$
Voided Checks		\$
<b>TRUST FUND</b>		\$ 9,315.60
Payroll		\$
Manual Checks		\$
Voided Checks		\$
<b>UNEMPLOYMENT ACCT-MANUALS</b>		\$

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<b>DOG FUND</b>	\$	38.40
<b>GRANT FUND</b>	\$	243.60
Payroll	\$	
Manual Checks	\$	
Voided Checks	\$	
<b>DEVELOPER'S TRUST</b>	\$	
<b>Manual Checks</b>	<b>\$</b>	
Voided Checks	\$	
<b>ADDENDUM</b>		
M & R Mechanical Contractors	\$	\$44,169.55

**THE COMPLETE PAYMENT OF BILLS IS AVAILABLE IN  
THE CLERK'S OFFICE FOR ANYONE THAT WISHES TO REVIEW THE  
LIST.**

Seconded by Mr. Nolan and approved for payment on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O'Neil  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

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**OTHER RESOLUTIONS:**

Mrs. Cummins read the title of Resolution R-06-172 Authorizing Advertisement for Bids to Purchase Land Owned by Borough Bl. 35 Lt. 12.

Mr. Manco summarized the resolution stating that the auction will be held on December 6<sup>th</sup>, 2006 at 8:00 p.m. at the Borough Council Meeting.

Mr. Urbanski offered the following Resolution and moved on its adoption:

**R-06-172  
RESOLUTION  
BOROUGH OF HIGHLANDS**

**RESOLUTION AUTHORIZING THE ADVERTISING FOR BIDS TO  
PURCHASE CERTAIN LAND OWNED BY THE BOROUGH OF HIGHLANDS**

**WHEREAS**, the Block 35, Lot 12 owned by the Borough of is not needed for public purposes; and

**WHEREAS**, it is in the best interest of the Borough of Highlands to advertise for this property for public sale to the highest bidder;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Highlands, County of Monmouth, State of New Jersey, as follows:

1. The above property shall be advertised for public sale pursuant to all requirements and procedures set forth in the Local Lands and Buildings Law ([N.J.S.A. 40A:12-1](#) *et seq.*) subject to the following conditions:



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(a) Bids shall be received by the Borough Clerk on Wednesday, December 6, 2006, at 8:00 P.M., at the Borough Council Meeting to be held at 171 Bay Avenue, Highlands, New Jersey, in the manner of a public auction in accordance with procedures to be announced by the Borough Clerk.

(b) In accordance with N.J.S.A. 40A:12-13 et seq, the sale of the subject parcel is subject to the right of first refusal of contiguous land owners, as the property in question has been deemed undersized for development in accordance with the Municipal Land Use Law and Borough Zoning Ordinances and regulations.

(c) All bids shall be subject to review and final approval of the Borough Council pursuant to *N.J.S.A. 40A:12-13a*. The Borough reserves the right to accept the highest bid or to reject any and all bids submitted in accordance herewith, subject to the "as is" proviso described in (g) hereof, including the highest bid, and shall make its decision known by resolution within ten (10) days after bids are received.

Bidding will begin at the assessed valuation of \$12,300, and will continue in \$200 increments, until no further bids are received, at which time the bidding will be deemed closed.

(d) Upon the close of bidding the highest qualified bidder, as designated by the Borough Clerk, shall submit cash or certified check in the amount of 10% of his bid and shall immediately execute an offer to purchase at his bid price, which offer shall include the terms and conditions specified herein. Said offer shall be irrevocable for sixty (60) days from the date of the public sale.

(e) The highest bidder shall pay an additional deposit of 15% of the amount bid by Cashiers or certified check within 10 days following the acceptance of the apparent highest bid by resolution of the governing body.

(f) Title shall be conveyed by Bargain and Sale Deed with the balance of the purchase price to be paid by Cashiers, certified or Attorney Trust check at a closing to be held within sixty days following adoption of resolution by the governing body awarding said bid.

(g) At closing of title purchaser shall submit an additional sum of money equal to the costs of all advertising of the sale and the Recording of the Borough's Deed.

(h) Bids shall be received for the property "as is", with no representation that the premises are buildable under any applicable federal, state or local law, ordinance or regulation, including but not limited to environmental or zoning laws, ordinances or regulations.

(i) Failure to comply with any of the above requirements or to close on or before shall entitle the Borough of to rescind prior bid approval, terminate any and all rights of the designated bidder in said property and retain all monies theretofore deposited.

(j) The purchaser shall be responsible for terminating any and all existing tenancies.

(k) All lot(s) are conveyed subject to existing encumbrances, liens, zoning regulations, easements, other restrictions, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting said property.

Seconded by Mayor O'Neil and adopted on the following roll call vote:

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**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O'Neil  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

Mrs. Cummins read the following Resolution for approval:

Mr. Urbanski offered the following Resolution and moved on its adoption:

**R-06-173  
RESOLUTION  
APPOINTING TEMPORARY PART-TIME  
SECURITY ATTENDANT (RECYCLING YARD)**

**WHEREAS**, due to the recent absence of Daniel O'Neil there is a need for a replacement Security Attendant at the Recycling Yard; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that Charlie Luke is hereby appointed Temporary Part-Time Security Attendant for the Recycling Yard.

**BE IT FURTHER RESOLVED** that this appointment be effective immediately and compensation shall be as set forth in the current salary ordinance.

Seconded by Mr. Nolan and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. Caizza, Mr. Urbanski  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** Mayor O'Neil

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**ORDINANCES: Second Reading, Public Hearing and Adoption**

**O-06-14**

Mrs. Cummins read the title of Ordinance O-06-14 for the second reading and opening of the public hearing.

Mayor O'Neil opened the public hearing on Ordinance O-06-14.

Michele Diebold asked why this was being vacated.

Mayor O'Neil stated that it was of no use to the Borough.

Michele Diebold asked if it was being sold to a neighboring tenant?

Mr. Manco stated that it was not being sold and that it is a street vacation, a right-of-way, easement that the Borough is giving up and it becomes the property of the adjoining property owner or owners.

Michele Diebold asked if the Borough was vacating any other properties.

Mr. Manco explained that if she wishes to have any property near her home vacated, to look at the Ordinance and follow the procedures.

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Chris Francy, 36 Fifth Street - Why are we vacating this street but not vacating Block 35, Lot 12 from a previous resolution?

Mr. Manco explained that block 35 lot 12 is a lot that is up for auction.

Erin \_\_\_\_\_ - Oceanview - asked if the owners would be responsible for maintaining the property.

Roberta McEntee of Fifth Street stated that she lives on a paper street along with three other houses, and what would be the benefit of any one of them buying that paper street. She is concerned about any liability regarding should someone become injured.

Mr. Manco stated that the Borough does not maintain that street and that the homeowners should take action on their own to improve that property.

Michele Diebold asked about whether the owner acquiring additional property from a vacated property would be reevaluated for taxes.

Mr. Manco stated that that is the Assessors job and that the Borough still maintains some rights within the subject property which would affect the value, such as utilities, drainage, etc.

Mr. Cummins read the title of Ordinance O-06-14 for the adoption:

Mr. Caizza offered the following ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

**O-06-14**

**AN ORDINANCE VACATING PORTION OF HILLSIDE AVENUE, LOCATED BETWEEN LOT 1 IN BLOCK 8 and LOT 1 IN BLOCK 7, IN THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

**WHEREAS**, request has been made to vacate a portion of Hillside Avenue in the Borough of Highlands; and

**WHEREAS**, upon review and consideration of this request by the Governing Body and Borough Professionals, it has been determined that said Right of Way is not needed for public purposes.

**BE IT ORDAINED** by the Borough Council of the Borough of Highlands, in the County of Monmouth and State of New Jersey as follows:

1. That portion of Hillside Avenue, located adjacent to Lot 1 in Block 8 and Lot 1 in Block 7 is not needed for public purposes and, accordingly, all public right, title and interest therein is hereby released, vacated and extinguished.

2. This street vacation is further subject to any other covenants, restrictions and easements of record, in any, except those that have expired by their own limitations.

3. That, independent of, and in addition to any requirements which may be imposed by *N.J.S.A. 40:67-1 et. seq.*, or any other relevant statute or regulation, the provisions of this Ordinance shall not be deemed to vacate any rights and privileges which may be possessed by any public utility company, as defined in *R.S. 48:2-13, including but not limited to New Jersey American Water Company*, or by any cable television company, as defined in *N.J.S.A. 48:5A-1, et seq.*, to maintain, repair and replace any existing facilities in, adjacent to, over or under the said vacated area.

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4. That vacation be conditioned upon an express reservation of rights by the Borough of Highlands, its successors and assigns to repair, replace, maintain drainage installation within the area to be vacated.

5. That, after passage, a copy of this Ordinance published in accordance with law and shall be recorded in the Office of the Monmouth County Clerk in the Book of "Vacations" in accordance with *N.J.S.A. 40:67-21*.

6. That the owner of the subject premises shall reimburse the Borough of Highlands for any cost incurred in the introduction and adoption of said ordinance, including but not limited to document preparation fees, and publication and recording costs associated.

7. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

**BE IT FURTHER ORDAINED THAT** all other provisions of the aforesaid ordinances which are not expressly amended herein shall remain in full force and effect, except to the extent modified hereby.

Seconded by Mayor O'Neil and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O'Neil  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**O-06-15**

Mrs. Cummins read the title of Ordinance O-06-15 for the second reading and opening of the public hearing.

Mayor O'Neil opened the public hearing on Ordinance O-06-15.

There were no questions or comments from the public.

Mrs. Cummins read the title of Ordinance O-06-15 for the third and final reading and adoption.

Mayor O'Neil offered the following Ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

**O-06-15  
STATE FISCAL YEAR 2007**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION  
LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

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**WHEREAS**, the Governing Body of the Borough of Highlands in the County of Monmouth finds it advisable and necessary to increase its SFY 2007 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of its citizens; and,

**WHEREAS**, the Governing Body hereby determines that a 3.5% increase in the budget for said year, amounting to \$58,188.01 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Governing Body of the Borough of Highlands, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the SFY 2007 budget year, the final appropriations of the Borough of Highlands shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5% amounting to \$203,658.04, and that the SFY 2007 municipal budget for the Borough of Highlands be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of the ordinance upon adoption, with the recorded vote included thereon, be filed with said Director with 5 days after such adoption.

Seconded by Mr. Nolan and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O'Neil  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**O-06-16**

Mrs. Cummins read the title of Ordinance O-06-16 for the second reading and opening of the public hearing.

Mayor O'Neil opened the public hearing on Ordinance O-06-16.

There were no questions or comments from the public.

Mrs. Cummins read the title of Ordinance O-06-16 for the third and final reading and adoption.

Mayor O'Neil offered the following Ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

**O-06-16**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER III OF THE REVISED GENERAL CODE OF THE BOROUGH OF HIGHLANDS ENTITLED**

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**“GENERAL POLICE REGULATIONS-PUBLIC PARKS”, AMENDING AND  
SUPPLEMENTING SECTION 3-14 THEREOF ENTITLED, “CURFEW”  
REGARDING HALLOWEEN REGULATIONS**

[additions shown in underline, deletions shown by ~~strikeout~~]

**WHEREAS**, it has been determined by the Governing Body of the Borough of Highlands that in order to better serve and to advance the interests of the health, safety and welfare of the general public, that specific hours of curfew regarding Halloween be established;

**THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Highlands that Chapter III of the Revised General Code of the Borough of Highlands, entitled “General Police Regulations-Curfew”, amending and supplementing Section 3-14 thereof entitled, “Exceptions” to include a new Section 3-14.1, “Halloween” to read as follows:

**Section 3-14.1**

No child under the age of 18 years shall be upon any of the public streets, highways, alleyways, parks or other public places of the Borough of Highlands, either on foot, or in or upon any type of conveyance, unless such child is accompanied by his or her parent guardian or other person having the legal care of custody of such child, or whose legal recognized employment makes it necessary for such child to be in or upon said public streets, highways, alleyways, parks or other public places between the hours of 10:00 PM and 6:00AM, in which case such child shall carry written authorization of the employer, counter-signed by the chief of police or his designee, or a written authorization of the child’s parent, guardian, or other person, responsible for the child.

Notwithstanding the above, on Halloween Night, and Halloween Eve [commonly referred to as “Mischief Night”], no child under the age of 18 years shall between the hours of 8:00 PM and 6:00AM be upon any of the public streets, highways, alleyways, parks or other public places of the Borough of Highlands, without carrying the aforesaid written authorization, counter-signed as required above.

All other provisions of Chapter 3-14 shall remain in full force an effect, except to the extent modified hereby.

This ordinance shall take effect immediately upon adoption and publication as it pertains to the health, safety and welfare of the general public.

Seconded by Mr. Caizza and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O’Neil  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**O-06-17**

Mrs. Cummins read the title of Ordinance O-06-17 for the second reading and opening of the public hearing.

Mayor O’Neil opened the public hearing on Ordinance O-06-17.

Maureen Kraemer of 200 Portland Road questioned the number of bulk pick ups for condo’s.

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Mr. Urbanski stated that the condo associations would also get four bulk pick ups a year.

Tara Ryan - concerned about the bulk items being placed out at the curb by residents sometimes a few weeks before actual pick-up and that this is dangerous. Should they be issued a summons.

Mr. Caizza - if it's before 6:00, they will have a ticket.

Mrs. Cummins read the title of Ordinance O-06-17 for the third and final reading and adoption.

Mr. Urbanski offered the following ordinance pass third/final reading and moved on its adoption and authorized its publication:

**O-06-17**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3-7A OF THE REVISED GENERAL CODE OF THE BOROUGH OF HIGHLANDS ENTITLED "NON RESIDENTIAL GARBAGE"**

[additions shown in underline, deletions shown by ~~strikeout~~]

**WHEREAS**, it has been determined by the Governing Body of the Borough of Highlands that in order to better serve and to advance the interests of the health, safety and welfare of the general public, that procedures for the collection of bulk waste be amended so as to promote efficiency, safety, and the public health and welfare;

**THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Highlands that Chapter 3-7A of the Revised General Ordinances of the Borough of Highlands be amended and supplemented to read as follows:

**Section 3-7A.1 "Definition"**. [No change to existing text]

**Section 3-7A.2 "Collection of Bulk Garbage"**.

(a). Schedule. Bulk garbage shall be collected by the Highlands Borough Sanitation Department.

(b) Additional regulations;

1. There shall be four pick-ups annually.
2. The pickup for all residents Downtown, shall be the last Thursday in March, June, September and December.
3. The pickup for all residents on the Hill, shall be the last Friday in March, June, September and December.
4. Materials collected cannot exceed five cubic yards (determined by the sanitation driver) for each pick up.
5. Appliances shall not be placed at the curb before 6:00 P.M. on the day before the scheduled pick up. Doors must be removed from refrigerators prior to placement at the curb.
6. Bulk debris shall not be placed at the curb for collection until the day preceding the scheduled collection date.
7. Notwithstanding the above, appliances containing refrigerants will not be scheduled for pick up unless permit stickers are first obtained from Borough Hall. A fee of twenty (20) dollars will be assessed for each such sticker.
8. Notwithstanding the above, all construction debris (including carpets and tiles) regardless of whether generated by a homeowner or contractor, will not be collected by the Borough, and must be removed by a duly licensed private hauler.

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**BE IT FURTHER ORDAINED THAT** all other provisions of the aforesaid ordinances which are not expressly amended herein shall remain in full force and effect, except to the extent modified hereby.

Seconded by Mr. Nolan and adopted on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Nolan, Mr. Caizza, Mr. Urbanski**  
**NAYES: Mayor O'Neil**  
**ABSENT: None**  
**ABSTAIN: None**

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**ORDINANCE: Introduce and Set Public Hearing Date for November 1, 2006**

**Ordinance O-06-18**

Mrs. Cummins read the title of the following Ordinance for introduction and setting of a public hearing date:

Mayor O'Neil offered the following Ordinance pass introduction, that a public hearing date be set for Wednesday, November 1, 2006 at 8:00 P.M. and authorized its publication according to law:

**O-06-18  
AN ORDINANCE CLARIFYING REIREE HEALTH  
BENEFITS FOR BOROUGH EMPLOYEES**

**WHEREAS**, the Borough of Highlands has heretofore had a practice of providing lifetime health benefits to employees who retire from employment with the Borough at age 65; with 25 or more years of service; or in accordance with the express terms of a Collective Bargaining Agreement or personal services contract; and

**WHEREAS**, the Borough of Highlands has determined that there exists a need to clarify and specify the policy of the Borough as it pertains to the provision of retiree health benefits by adoption of a written statement with respect to the same, so that both the Borough and its employees know precisely who is eligible for such benefit and what standards and procedures are applicable to the same; and

**WHEREAS**, this ordinance is intended to provide such clarification and specification consistent with the provisions of N.J.S.A. 40A:10-23;

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Highlands that the following terms be used as the guide for the purpose of clarifying and specifying the standards and procedures applicable to health care benefits for those Borough employees who retire from the Borough.

**Section I                      Eligibility**

To receive lifetime health benefits paid for by the Borough, an employee must meet the following criteria (unless otherwise expressly provided by Collective Bargaining Agreements, personal service contract, or by law):

1. The employee has twenty-five (25) years or more of service credit in a state or locally administered retirement system and a period of service of at least twenty-five (25) years with the Borough of Highlands at the time of retirement; or



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2. The employee is sixty-five (65) years or older with twenty-five (25) years or more of service credit in a state or locally administered retirement system and a period of service at least fifteen (15) years with the Borough at the time of retirement; or

3. The employee is sixty-five (65) years or older with at least twenty (20) years of service with the Borough; and

4. The employee was eligible for employee medical coverage during the last five years of their employment with the Borough; and

5. The employee retires from an employment position with the Borough of Highlands under a Service Retirement as defined by the Public Employee's Retirement System ("PERS"), the Police and Firemen's Retirement System ("PFRS") or under the express terms of any Collective Bargaining Agreement or personal services agreement.

Employees previously eligible for retiree benefits under the express terms of a collective bargaining agreement will continue to be eligible as long as the benefits are specifically and clearly set forth in the collective bargaining agreement and as long as the provision of retiree health benefits is not contrary to the requirements of State Statute or regulation.

**Section II**                      **Health Plan Provided**

1. The Employee will be enrolled in the same plan with the appropriate status (employee only, employee and spouse, employee and family, etc.) as he/she had on his or her last day of employment prior to retirement, unless a change is authorized to by the Borough.

2. The Borough shall have the right, in the future, to change health insurance plans as it deems necessary. If this occurs, any retiree receiving such lifetime benefits shall be covered by the health insurance plan selected by the Borough and the retiree will be enrolled in that program of the new health insurance plan most similar to the program (in the health insurance plan in effect prior to the change) in which said retiree was enrolled.

**Section III**                      **Medicare Enrollment**

1. If the employee is eligible for enrollment in Medicare, he/she must enroll in and purchase Medicare Part B at his/her sole cost. By law, upon retirement, Medicare is the primary carrier and the Borough's health insurance carrier is secondary.

2. If an employee who is eligible to purchase Medicare Part B coverage fails to do so, the Borough's insurance carrier shall be released from paying medical bills incurred while part B was not in effect.

**Section IV**                      **Conflicts**

To the extent the terms and provisions of this ordinance differ or conflict with any practice or custom of the Borough of Highlands with respect to retiree health benefits prior to October \_\_, 2006, the terms and provisions of this ordinance shall supplant and supercede any such practice or custom.

**Section V**

All ordinances and resolutions inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistencies.

**Section VI.**

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This ordinance shall take effect immediately after final passage (adoption), approval and publication of notice thereof as required by law, and the provisions of this Ordinance shall be retroactive to **October 18, 2006**.

Seconded by Mr. Nolan and approved on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O'Neil**  
**NAYES: None**  
**ABSENT: None**  
**ABSTAIN: None**

**Ordinance O-06-19**

Mrs. Cummins read the title of the following Ordinance for introduction and setting of a public hearing date:

Mayor O'Neil offered the following ordinance pass introduction, that a public hearing date be set for Wednesday, November 1, 2006 at 8:00 P.M. and publication according to law:

**O-06- 19**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER III OF THE REVISED GENERAL CODE OF THE BOROUGH OF HIGHLANDS ENTITLED "GENERAL POLICE REGULATIONS-PUBLIC PARKS", AMENDING AND SUPPLEMENTING SECTION 3-13.1 THEREOF ENTITLED, "PERMIT" LIMITING USAGE OF ANY PUBLIC PARK WITHIN THE BOROUGH OF HIGHLANDS**

[additions shown in underline, deletions shown by ~~strikeout~~]

WHEREAS, it has been determined by the Governing Body of the Borough of Highlands that in order to better serve and to advance the interests of the health, safety and welfare of the general public, that specific hours of operation for public parks and lands be established;

**THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Highlands that Chapter III of the Revised General Code of the Borough of Highlands, entitled "General Police Regulations-Public Parks", amending and supplementing Section 3-13.1 thereof entitled, "Permit" to read as follows:

**Section 3-13.1. "Permit".**

No person shall be permitted in any public park within the borough from dusk to dawn, ~~between the hours of 9:00 p.m. and 7:00 a.m.~~ Groups of ten or more persons shall be required to obtain a permit from the borough administrator for usage of the park at any time from dusk to dawn, ~~between the hours of 9:00 p.m. and 7:00 a.m.~~ "Group" shall be defined as any assemblage of persons in the same activity regardless of whether each member of the assemblage belongs to the organization comprising the subject group. Permits shall be limited to three hours in duration, unless the borough administrator finds that a longer period of time is in the public interest.

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**BE IT FURTHER ORDAINED THAT** all other provisions of the aforesaid ordinances which are not expressly amended herein shall remain in full force and effect, except to the extent modified hereby.

Seconded by Mr. Nolan and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O'Neil  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**Ordinance O-06-20**

Mayor O'Neil offered that this Ordinance will be tabled at this time.

Seconded by Mr. Nolan and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O'Neil  
**NAYES:**  
**ABSENT:**  
**ABSTAIN:**

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**OTHER BUSINESS:**

**Engineers Report**

Dale Leubner P.E. of T & M Associates stated the following:

1. Community Center Improvements - Near completion and on schedule.
2. Community Center Playground/Sports Courts Improvements - draft set of plans and specifications are completed and are in review and will be made available to the Borough within a weeks time.
3. Fire House - Site work and underground utility installation is underway. The Contractor has been formally notified that he has exceeded the contract completion date which was September 25, 2006. By contract, the Borough is within their rights to pursue liquidated damages. To date, the contractor has not responded. The contractor is showing progress at this time. Even though the project has been delayed, it is on budge, with the exception of the added items that were omitted from the original plans.
4. NJDOT Route 36 Bridge - The project is currently scheduled to be awarded this Fall, start of construction in the Spring. The contract is estimated to be \$106 million.
5. South Bay Avenue Pump Station - We have been notified by the Borough that the electrical panel installed has apparently malfunctioned and was not struck by lightening as first thought. We have notified EDC the electrical contractors who did the work, and they are currently investigating the situation.
6. Valley Street Pump Station Rehabilitation Project - The project is moving and it is through shop drawing review. The long-lead time items such as the pump and the flap valves have been ordered. As originally thought it was about a 14 week lead time and we are about half way through that process.

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7. 2006 Road Program - Design is underway and should be completed within 30 days. We do not see an issue at this time with awarding that contract prior to the NJDOT deadline for Washington Street.

Mayor O'Neil asked if it would be December 1<sup>st</sup>.

Mr. Leubner stated that the 16<sup>th</sup> is the deadline but should be out well before that.

8. Basin Eight Sanitary Sewer Rehabilitation Project - project is underway and the plans should be finished within 30 days. We will assess at that time whether it is feasible to start construction in the winter or wait until spring.

9. Valley Street Emergency Sewer Repair - The sewer repair has been completed.

Mrs. Cummins read a motion authorizing T&M to perform engineering inspections for Highlands Port Holding for an amount not to exceed \$1,000.00 to be paid out of General Engineering.

Mayor O'Neil offered a motion to authorize T & M Associates to perform engineering inspections for Highlands Port Holdings for an amount not to exceed \$1,000 to be paid out of General Engineering, seconded by Mr. Nolan and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**Retaining Wall and Site Improvements at Patak Towers:**

Mrs. Cummins stated receipt of a letter dated October 6<sup>th</sup> from the Highlands Housing Authority stating that they are going out for bids for improvements to the retaining wall located to the rear of the boundary of Patak Towers. This work is urged and needed to rectify serious flooding hazard in the back parking lot. They are asking for two items from the Borough; 1) consent from the Borough to use the lot as a staging area for the work; 2) consideration for conveying the unused property to the Housing Authority.

Mr. Manco stated that the Borough could lease the property or grant an easement to use it.

Mayor O'Neil suggested that while it is being looked into, that the contractor be allowed to use it until the repairs are done, as long as the property is put back into similar shape as when they started.

The Governing Body discussed the drainage issue.

Gary \_\_\_\_\_ - Regarding a letter he received from the Housing Authority - they asked permission to come on my property, cut trees back 20 feet, and they assured me that the engineers and architects said that it would be fine and that they wouldn't destabilize my hill, I spent 20 years stabilizing it. And I asked if it was the same engineers that recommended building on that site. I do not give permission to come on my property, dig anything up, alter anything, cutting trees down. I don't believe that if they touch anything on that mountain, which has a granular structure like coffee grinds, that they wouldn't cause erosion on my property.

Mayor O'Neil suggested this be looked into, however, if the project does go forward, they will be able to use the property.

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**Resolution from Planning Board Regarding Land Use Amendment Ordinance**

Mrs. Cummins stated that the Planning Board added some recommendations and made a few minor changes and that it did not support the recommendation from the Monmouth County Park System for a 25 foot buffer. They recommended that single family residences be included in the MOC and also in the B3 zone.

Mr. Manco suggested a redraft of the Ordinance and put it on for the next meeting.

Offered by Mayor O'Neil and seconded by Mr. Nolan and not approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mayor O'Neil  
**NAYES:** Mr. Caizza, Mr. Urbanski  
**ABSENT:** None  
**ABSTAIN:** None

Motion to further discuss at the November 1<sup>st</sup>, 2006 meeting.

**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. Urbanski, Mayor O'Neil  
**NAYES:** Mr. Caizza  
**ABSENT:** None  
**ABSTAIN:** None

Mr. Manco explained that what just happened was the Planning Board made recommendations after reviewing the MOD and other zoning amendments that were proposed and there was a motion on the floor to put it on the next agenda for introduction, that failed, so it is not going on for introduction. A motion was to put it on for further discussion, and that is what will happen at the next meeting.

**Nominees to fill vacancy for position previously held by Mrs. Little**

Mrs. Cummins stated that the Borough of Highlands Republican Committee submitted three names, Nancy Thomas, Matthew O'Neil and Dolores Hower.

Mr. Manco stated that Anna Little resigned effective September 30<sup>th</sup>, 2006. The Republican Committee had 15 days under the Ordinance to submit three names, they were required by law to submit three names for consideration, and they have done that within the time allowed by that statute. Under the law, that gives the Council another 15 days in this instance to appoint a successor by a majority vote of the remaining members of the Council. Council can consider filling the position at this time and make a motion to appoint one of the three nominees and go from there or defer consideration to another date. Keep in mind that there is not a regular scheduled meeting within that 15 days period, and there would have to be a special meeting to consider it. Failure to act within those 30 days, the selection goes back to the Republican Committee to make a selection from those three names.

Mr. Caizza stated that there should be a special meeting on October 30<sup>th</sup>.

Motion for a special meeting to consider and possibly fill the vacancy of Anna Little on October 30<sup>th</sup> at 8:00 p.m.

**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O'Neil  
**NAYES:** None

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**ABSENT: None**  
**ABSTAIN: None**

Mrs. Cummins stated that there has been a request from the Highlands Police Department asking for a donation of water for the Breast Cancer Walk schedule for October 22<sup>nd</sup>.

Mr. Caizza offered a motion to approve the water donation, seconded by Mayor O'Neil and approved on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O'Neil**  
**NAYES: None**  
**ABSENT: None**  
**ABSTAIN: None**

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**APPROVAL OF MINUTES**

Mrs. Cummins stated that all were present at meetings held on June 7<sup>th</sup>, June 21<sup>st</sup> and June 28<sup>th</sup>.

Mayor O'Neil offered a motion to approve the June 7<sup>th</sup>, June 21<sup>st</sup> and June 28<sup>th</sup> minutes, seconded by Mr. Urbanski and approved on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O'Neil**  
**NAYES: None**  
**ABSENT: None**  
**ABSTAIN: None**

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**Letter from Housing Authority**

Mayor O'Neil read into the record a letter dated October 17<sup>th</sup>, 2006 from the Highlands Police Department:

Dear Mayor and Council;

The Highlands Police Department and the Highlands Business Partnership are sponsoring the 2<sup>nd</sup> annual "Highlands Cares" Breast Cancer Walk on October 22<sup>nd</sup>, 2006. Our "Walk for the Cure" will begin promptly at 1:00 p.m. at Historic Fort Hancock, Sandy Hook.

I am please to inform you that our first annual breast cancer walk last October was a success and we plan to make this an annual event. Last year the Governing Body provided a donation of water to offer to our registrants half way through their two mile walk. This year, I would like to request bottles of water and coffee for out participants.

On behalf of the Highlands Police Department and the Highlands Business Partnership I would like to extend a personal invitation to the Mayor, Council and family members to join our Walk for the Cure. Thank you for your anticipated support.

Jacqueline Kane

**Letter from Henry Hudson Regional**

Mayor O'Neil also read into the record a letter dated October 17<sup>th</sup>, 2006 the Superintendent of the Henry Hudson Regional School District:

Dear Mayor O'Neil and Town Council Members;

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On behalf of the Henry Hudson Regional Board of Education, I would like to take this opportunity to, not only thank the Highlands Police Department, but to acknowledge the time and efforts they have given to ensure the safety of our students and staff.

Each time I have requested the presence of a police officer in the building, Chief Blewett has complied with my request and at times provided additional officers. I am grateful to him for his support and commitment to our school community. The help, guidance and time we have received from the police department not only ensured the continuance of our school program, but modeled for students and staff what it means to be a part of a community.

In addition, I would like to thank Mayor O'Neil for taking time from his schedule to come to Henry Hudson on October 4<sup>th</sup>, 2006. Mayor O'Neil's visit was consistent with his concern for the school and its staff.

For the continued cooperation of the mayor and the police department, I am deeply grateful.

Kathryn A. Fedina

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**PUBLIC PORTION:**

Tara Ryan - expressed concern regarding an article in the paper stating that various Borough employees are employed by more than one town. I would like to know if, A. is this true and B. how can it be explained that someone we are paying a great deal of money to has another full-time job?

Mayor O'Neil asked Mr. Pfeffer to explain.

Mr. Pfeffer - I am the full-time CFO for the Borough of Tinton Falls and part-time CFO for the Borough of Highlands. I have direct computer access to the Borough from my home and I am constantly working through the computer from my home. In fact, there are telephone records here documenting the telephone time between my house and the Borough.

Tara Ryan - asked if Mr. Pfeffer was a part-time employee of the Borough and not Tinton Falls and if his salary was a part-time salary. Mr. Pfeffer stated that that was correct.

Roberta McEntee - stated that Ptak Towers is going to hell. There hasn't been a director there for approximately six months. Requested that the Borough assist in obtaining a director.

Louise \_\_\_\_\_ of Scenic Drive - Would like to see a copy of the budget regarding Cap Ordinance.

Mr. Pfeffer - budget to be introduced on November 1<sup>st</sup>.

Chris Francy - 36 Fifth Street - the fees being collected under the Landlord Ordinance, are they set aside in a special budget category, not to be used for anything else except related to code enforcement?

Mr. Pfeffer - the fees are general fees under the Borough and are captured under Fees and Permits and utilized in the budget, they are not dedicated to any particular appropriation, they are general fees of the Borough.

Mr. Francy - there was a commitment when this program got started that an employee would be hired to enforce the Landlord Ordinance.

Mr. Pfeffer - the fees that were generated were enough to off-set the cost of an employee.

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Mr. Francy is concerned with the cost to the Borough regarding displaced residents and how the Borough can recoup those costs.

Mayor O'Neil stated that the Borough is in fact paying for the housing of some residents and the Borough will "chase" the landlords to get back that money.

Mr. Manco stated that the statute provides that the Borough has the right to go after the land owner, and that the Borough will do that.

Phil \_\_\_\_\_ - asked Mr. Manco, is one of the resolutions that the town has to put a lein on that property? And at what point can the town initiate legal action.

Mr. Manco - we are waiting to resolve the issue - this can be taken care of in a few different way.

Phil \_\_\_\_\_ - but les pendes is a possibility?

Mr. Manco stated yes.

Phil - regarding Resolution 06-169, who is the attorney for the bond council?

Mr. Manco - John Draikowcz.

Phil wanted to make the council aware that this firm, 20 years ago, was the Attorney for the Township of Middletown and were summarily fired for excessive fees and questioned whether they could be monitored for what they charge.

He also inquired to Mr. Caizza as what transpired in Atlantic Highlands in the court.

Mr. Caizza stated that he would not discuss it and that it was dropped that night.

Phil asked Mr. Manco, under what situation would the Borough be liable for the actions of a council person, and do we have director or officer liability situation to cover the Borough in the event of a lawsuit of that type?

Mr. Manco stated that the Borough has insurance and also has protections from the Court Claims Act. As a general rule, actions taken by a council person outside of the prevue of their duties here would not be our responsibility.

Michele Diebold - concerning land lord registrations papers, prior to people being ejected from a residence on Miller Street, was the code enforcement officer aware of the ramifications? And was the Borough aware of the bill that it was going to cost taxpayers?

Mr. Manco - when there is a code enforcement emergency, you're weighing personal safety of individuals versus dollars. The structures are not habitable and are being brought back to code at this time.

Ms. Deibold asked if there were any other measures taken before eviction? Normally an eviction can take three months.

Mr. Manco stated that eviction and code enforcement are two different things. If you try to evict a tenant for cause other than non-payment of rent, the process can take some time, and there are notifications in that step. Code Enforcement also has notification processes also, but when you get into a safety situation, it can become necessary to dispense with notices and take action.

Mayor O'Neil stated that it was a gas leak problem that precipitated the eviction.



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Ms. Deibold is concerned about the cost for these tenants to live elsewhere and that we should be made aware of that.

Ms. Deibold also stated that the Borough does not have the proper paperwork as far as registering in Freehold for an eviction - and she was held up for 10 days for lack of the proper registration form.

Mayor O'Neil stated that this will be looked into.

Ms. Deibold stated that she had an issue with a dog in a house, that was left there, and was told by the person serving the papers that it was the Borough's responsibility. When she asked Mr. Murphy, he stated that it was the eviction guy's responsibility. She is concerned with Mr. Murphy's knowledge of his position.

Mayor O'Neil stated that there is discussion regarding that position, without going into further detail. He also stated that he or Mr. Caizza will check into the forms that she inquired about earlier.

Art Gallagher - questioned Bond Council process with Mr. Pfeffer. He also asked for an explanation of the library tax fund listed in the approved payment of bills.

Mr. Urbanski stated that it was for the Borough's share to have our residents use the Monmouth County Library and its resources.

Mr. Gallagher asked if that was a quarterly charge or an annual charge. And he stated that it came to approximately \$105,000 per year and is there a consensus of how many people are using the library.

Mayor O'Neil polled the room, and 50% said that they did.

Terrence Fennell - he stated that if there are 5,000 people in the town, that comes to \$4 per person.

Robert Burton - concerned about the lack of traffic control with regard to the ferry and whether or not the Borough would be liable should there be an accident.

Mr. Manco stated that anyone can find any reason to file a lawsuit. As to whether there is liability and whether the Tort Claims Act would allow it, the actions of the governing body and the planning board would have to be palpably unreasonable. And if it is based on hearing and input from various sources, I would not see that.

Mayor O'Neil stated that there should be an officer there either all the time or none of the time.

Mr. Gallagher stated that this intersection is a safety issue and would the Borough be willing to put a traffic light there?

Mayor O'Neil stated that it is a County road.

Paul Mazzella - wanted to make a statement regarding Shore Drive that the traffic there really is a nightmare.

Mr. Mazzella also questioned if in fact the bridge replacement project is moving forward and what is the reason behind replacement of the bridge.

Mr. Leubner stated that the project is in fact moving forward. That the State determined that the bridge is not wide enough and that traffic was backing up in both Highlands and Sea Bright.

Mr. Mazzella stated that they're going to spend \$6 million to fix a traffic issue?

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Mayor O'Neil stated it was also determined because it was an imminent hazard and that the bridge is unsafe.

Mr. Mazzella also asked if someone could explain to him the Planning Board resolution.

Ms. Cummins offered him a copy.

Mr. Mazzella - with regard to the upcoming election, what is the best way to find out what the people that are running for the offices collectively think of the key issues?

Mayor O'Neil - generally they come to your house and knock on your door.

Rob Burton- I've never served on council before, but the town is run like a business, would you agree on that?

Mayor O'Neil - You try and run it like a business, but the things that make a successful business, you're not allowed to do in public office.

Rob Burton - but as far as transfer of funds and making wise decisions, it's run like a business, correct?

Mayor O'Neil - You try to run it like a business.

Rob Burton - my question is, if it's run like a business, and we are business people, did the Borough make money having a police officer at that intersection Waterwitch?

Mayor O'Neil - Not that I know of.

Rob Burton - Every hour that a police officer was there, the Borough made \$10. So you calculate that money that the Borough lost by not having a police officer there.

Mayor O'Neil - It's really not that much because we have to pay for the exposure down there, the car, the fuel, \$10 isn't a big gift.

Carla Cefalo-Braswell - does not believe that they are receiving what was promised as far as Mr. Murphy and code enforcement, stating that he has other jobs and is not spending enough time on what she feels they were promised.

Joseph Dorin questioned if a person can bid on a property prior to an auction.

Mr. Manco explained the bidding process.

Mayor O'Neil offered a motion to adjourn the meeting, seconded by Mr. Nolan and all were in favor.

The Meeting adjourned at 10:00 P.M.

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**CAROLYN CUMMINS, DEPUTY CLERK**